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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/701,512	11/30/2000	Teruhiko Imoto	001431	5196
23850	7590 06/27/2002			
ARMSTRONG, WESTERMAN & HATTORI, LLP 1725 K STREET, NW. SUITE 1000			EXAMINER	
			MERCADO, JULIAN A	
WASHINGTON, DC 20006			ART UNIT	PAPER NUMBER
			1745	5
			DATE MAILED: 06/27/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

		MET				
	Application No.	Applicant(s)				
• •	09/701,512	IMOTO ET AL.				
Office Action Summary	Examiner	Art Unit				
	Julian A. Mercado	1745				
The MAILING DATE of this communication ap Period for Reply	ppears on the cover sheet w	ith the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPI THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a report of the period for reply specified above, the maximum statutory of Failure to reply within the set or extended period for reply will, by stature and patent term adjustment. See 37 CFR 1.704(b). Status	.136(a). In no event, however, may a ply within the statutory minimum of thi d will apply and will expire SIX (6) MOI te. cause the application to become A	reply be timely filed rly (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on	·					
2a)☐ This action is FINAL . 2b)⊠ T	his action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims						
4)⊠ Claim(s) 1,2 and 4-10 is/are pending in the application.						
4a) Of the above claim(s) is/are withdra						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7)☐ Claim(s) is/are objected to.						
8) Claim(s) <u>1. 2. 4-10</u> are subject to restriction a	ind/or election requirement					
Application Papers						
9)☐ The specification is objected to by the Examin	er.					
10) The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
,	11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.					
If approved, corrected drawings are required in reply to this Office action.						
12)☐ The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documer	nts have been received in A	Application No				
3. ☐ Copies of the certified copies of the pri application from the International B * See the attached detailed Office action for a lis	lureau (PCT Rule 17.2(a)).					
14)☐ Acknowledgment is made of a claim for domes	•					
a) ☐ The translation of the foreign language p 15)☐ Acknowledgment is made of a claim for domes	rovisional application has t	peen received.				
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)				
U.S. Patent and Trademark Office						

PTO-326 (Rev. 04-01)

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DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1 and 6-10, drawn to the product.

Group II, claim(s) 2, 4 and 5, drawn to the process of making.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Groups I and II share the special technical feature of a hydrogen storage alloy having having a crystal structure of a CaCu₅ type represented by the formula MmNi_xCo_yMn_zM_{1-z}. As this special technical feature does not define a contribution to the art as shown by U.S. Patent 5,738,953 to Lichtenberg et al., and no single general inventive concept exists, unity of invention is lacking.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian A. Mercado whose telephone number is (703) 305-0511. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (703) 308-2383. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3599 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

ne 25, 2002